

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, MAY 7, 2009**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, May 7, 2009 at 6:30 P.M. at DPW on Whiting Street, North Attleborough, Massachusetts. Board members Richard Peterson, Richard Thimot, Donald Cerrone, Richard Houle-chairman and Mary Burgess-town planner.

Planning Board Business:

Vouchers;

Mileage SRPEDD Mary, Engineering review on St. Lawrence, Office supplies and Petty cash reimbursement and SRPEDD Annual Conference.

Approval of Minutes;

3/26/09;

Mr. Cerrone, Make motion to approve minutes, seconded by Richard Thimot.

All in favor 3 to 0.

4/9/09;

Mr. Cerrone, Make motion to approve minutes, seconded by Richard Thimot

All in favor 4 to 0.

4/23/09;

Mr. Cerrone, Make motion to approve minutes, seconded by Richard Thimot.

All in favor 4 to 0.

New Business:

Form A: James & Lori Pafume, Walnut Rd. Note: Final Action Due 5/18/09;

Combine Lots 472-475 all with 2,500 sq.ft. to create 10,000

Stamp plan " No Determination of Zoning"

Meets minimum lot requirement and frontage but is on an unimproved way

Walnut is a gravel road and therefore may not be a buildable lot

It is not a subdivision therefore it can not be denied.

Ms. Burgess, Reading in notice.

Kurt Nunes-Commonwealth Engineering, 4 existing lots grandfathered 1935 make into 1 lot this is being done at direction of building inspector. 100ft. frontage on Walnut 100ft. setback lots 472, 473, 474 and 475 on assessors plat.

Ms. Burgess, Only thing I would have put on this is No Determination Zoning Stamp. Other than that it has frontage, minimum amount of frontage minimum lot requirement however Walnut Rd. is an unimproved way not public way. Considering this isn't subdivision we don't actually have right to deny it.

Mr. Cerrone, Only way you can build on it have to do improvements on Walnut Rd.

Ms. Burgess, That is what I would assume as well.

Mr. Nunes, Even though there was existing dwelling on that lot?

Ms. Burgess, I know you can rebuild on same exact footprint if the house burns down.

James Pafume, Reason the inspector wanted this is because septic system 50ft. of the property on one side and houses on other 50. That is why he wanted to combine.

Mr. Houle, Do we have anything from health or building? (No).

Mr. Pafume, I got approval of septic system from health dept.

Mr. Cerrone, Keenan Rd. has quite few houses?

Ms. Burgess, Further up there are quite few houses, not across the street.

Mr. Cerrone, Make motion approve Form A for James and Lori Pafume, seconded by Richard Peterson.

All in favor 3 to 0 to 1 abstain Richard Thimot.

Completion of Subdivisions;

Mr. Cerrone, How long ago did we set up this meeting?

Ms. Burgess, First week in April it's been about 3 weeks. They are certified so you have to go to post office and sign for them so whenever they sign for them. We sent them all certified the only one we got back for not being claimed was for Bally Heather.

Mr. Cerrone, What is left on Abbott Run?

Ms. Burgess, When we went out for our site visit last year everybody said everything was okay everything is done. Only problem being is mailboxes and telephone poles are in sidewalk. You said this was DPW inspected so there isn't really anything else we can do about that.

Mr. Cerrone, Do we have letters from all depts. everything is all set?

Ms. Burgess, I haven't got letters from depts. yet because it hasn't been put up for road acceptance and that is generally when we send out the letters to see if everything is all set.

Mr. Cerrone, I think we should get letters and then whoever comes in for road acceptance letters are already there. Mailboxes is same thing that was on other subdivision Willowbe. Get letters from electric, BOH, public works, etc.

Ms. Burgess, As builts were done in 2004.

Mr. Cerrone, Have all asbuilts been checked?

Ms. Burgess, I'm assuming it was before me there is no letter in the file.

Mr. Cerrone, You have copies of as builts in the office?

Ms. Burgess, I do.

Mr. Houle, Mary all these people were asked to come before us tonight?

Ms. Burgess, Yes they were it was in two packages ago you had copies of all the letters when they were sent out.

Mr. Cerrone, That is why we set up this meeting long time ago month ago.

Mr. Houle, What have we heard from Bally Heather?

Ms. Burgess, Nothing.

Mr. Houle, Basically got no response from any of these people.

Ms. Burgess, Everybody picked up their green cards.

Mr. Cerrone, You have to give them some time Bally Heather is scheduled for 7 why don't we wait until 7. I think we should wait until we discuss that one.

Ms. Burgess, I don't think he is going to show up he is only one who didn't pick up his card.

Mr. Cerrone, We'll give him the opportunity that is all I'm asking you never know I don't want to assume this and that. Lot of this stuff has to get off the books get it done or take the money and get it done.

Ms. Burgess, We could discuss Other Business while we're waiting.

Mr. Cerrone, Lot of stuff I would like to go over package very good tonight I have few issues. Let's get this done tonight if it gets late we'll do it another night.

Mr. Houle, Way this is on Abbott Run with us not doing the inspections how is that going to work? Are we going to pull the bond?

Mr. Cerrone, If we get all the letters only issue is mailbox I don't think you can do anything about that. I want letter from Public Works saying they accept it. If he wants his money release the bond he has to have article once we get all the letters. I want to get them off the books.

Ms. Burgess, One of things I wanted to ask tonight was before we hit the new budget just try and get some of these bonds that we may want to take get John out there use rest of engineering funds we have to have him go out and look at some of the roads.

Mr. Cerrone, If there has to be work to be done have John check it and get paid out of the bond.

Ms. Burgess, I'm saying before hand if we take bond and work happens to be more I would like to have estimate before we take the bond.

Mr. Thimot, Who is going to pay John to make estimates?

Mr. Cerrone, Go out to bid we should have punch list for all these projects.

Ms. Burgess, Some of the punch lists are over 4 years old.

Mr. Cerrone, It hasn't changed.

Ms. Burgess, It may have gotten worse.

Mr. Cerrone, You should have had an updated punch list for tonight.

Ms. Burgess, How do I get updated punch list when I can't pay John and developer hasn't done any work in years.

Mr. Cerrone, Give us last punch list that John made.

Ms. Burgess, Things like Abbott Run I don't have because John didn't do it.

Mr. Cerrone, I have old punch lists from all of my meetings the other ones.

Ms. Burgess, I have all information from most recent punch list.

Mr. Cerrone, Have punch list from John Lavin 2008 for Bally Heather.

Ms. Burgess, Yes it is in here all the information overlay roads to meet requirement of 1%, water crosses road in several locations, curb reveal, easements for 16 and 51.

Mr. Cerrone, I have every street on my mine.

Ms. Burgess, I have all the as builts too.

Mr. Cerrone, Garrett repair pavement required R15 driveway doesn't meet. Jonathan roadway has 3 issues, Massand has 13 issues. You should have extra copies for these guys tonight it was June 1, 2008 less than year that is what I got last time we had meeting on this. This is what you should be given all these developers tonight. When you go out to bid say this is what has to be fixed this is what we got from John Lavin. What is he going out there again for? Massand Rd. it says bond amount reduction \$75,000 estimated bond reduction of \$12,000 bond retained by town \$62,000. We have all this information in our files in the office I have it.

Ms. Burgess, My question was for the ones we don't have what would you like me to do?

Mr. Cerrone, Which ones don't we have?

Ms. Burgess, I couldn't find one for Harris Farms.

Mr. Cerrone, They haven't call for inspections how long?

Ms. Burgess, Exactly so these are outstanding ones we were talking about.

Mr. Cerrone, Harris Farms they're still working out there.

Ms. Burgess, Butterfly Estates.

Mr. Cerrone, I have one.

Ms. Burgess, From 2005?

Mr. Cerrone, Yes curbing.

Ms. Burgess, Even if they are outdated you want me to use them?

Mr. Houle, She did put that on here 5" curbing estimated for replacement.

Mr. Cerrone, Butterfly there were only few issues.

Ms. Burgess, I'm saying on most recent punch list was from 2005. I'll just use most recent punch list.

Mr. Cerrone, They haven't done anything since last year am I right? How many inspections we had last year? I read some of these last night says I'll be done I 2008 we're in 2009 and they're not done. Most of these were carbon copied to you. Some of these developers told John Lavin they would be done in 2008.

Mr. Houle, Are there any others besides Harris Farms that we might not have punch list for?

Ms. Burgess, I couldn't find punch list for Depot Estates.

Mr. Cerrone, We went out there only issue was trees that was it I think and drainage horse farm.

Ms. Burgess, I was just curious why we're still holding \$312,000.

Mr. Cerrone, We did site visit last year on some of these.

Ms. Burgess, I don't have anything for Westwood Estates.

Mr. Cerrone, Public works did all the inspections.

Ms. Burgess, Even roads that aren't finished?

Mr. Cerrone, Yes that was under old rules and regulations.

Ms. Burgess, They are doing Meyer, Houde, Jennifer and Bryan?

Mr. Cerrone, Yes they're doing all that. Bally Heather he tells John 2008 it will be done and he hasn't done anything all year. We're going to pay John to go back out there when nothing has been done? Queen's Grant hasn't done any of the stuff.

Ms. Burgess, All the information in that punch list is in your report. I didn't copy all the punch lists for all the members because it was daunting task.

Mr. Cerrone, You should have them for developers.

Ms. Burgess, They already have them how many times do I have to copy them.

Mr. Cerrone, I guarantee they're going to say they never received them.

Ms. Burgess, You're probably right.

Mr. Peterson, Are there any time limits when these bonds are issued that the work has to be completed by certain time?

Mr. Cerrone, Nothing has been done in year you're going to send John back out there no one called in for inspections since then?

6:45 P.M. Abbott Run Valley Estates V;
(Licolnshire Ext., Mabel's, Kings & Camelot
Approved: September 23, 1999
Existing Bond: \$10,525.04 (Cash) Mike Donovan/O'Malley Trust
As Builts: November 22, 2004
Remaining Issues:
Mailboxes and phone poles in sidewalk
DPW inspected.

7:00 P.M. Bally Heather;
(Garrett Rd, Jonathan Dr, Massand Rd.)
Approved: May 31, 2001
Existing Bond: \$62,900.67 (Cash) Tom Fitzgerald
As Builts: Never received stamped as builts.
Remaining Issues:
Over lay roads to meet minimum of 1% pitch
Water crosses roads in several locations
Curb reveal
Easements for #16 and #55.

Mr. Cerrone, Make motion we take the bond.

Mr. Thimot, I can't vote on that.

Mr. Peterson, Second for discussion.

Ms. Burgess, If we pull the bond you would like me to put this out to bid to finish existing punch list?

Mr. Cerrone, Finish punch list check with John on updated punch list and go out to bid.

Mr. Houle, Get 3 bids.

Mr. Cerrone, We're going to finish it start doing them all that is it.

Ms. Burgess, I'll send the letter out on Monday 45 days from then and then we'll have public hearing he'll get his letter complete or comply?

Mr. Cerrone, Yes if he can get it done in 45 days before public hearing that is fine with me. On the bond I think it was changed we lost \$80,000 my figures might not be same I don't think it was changed then right?

Ms. Burgess, Right \$62,967.

Mr. Cerrone, What bond did we lose the money on?

Ms. Burgess, On Jonathan and Garrett.

Mr. Cerrone, That was almost \$80,000 we lost?

Ms. Burgess, Yes.

Mr. Peterson, What do you mean by lost?

Ms. Burgess, I made mistake and Letter of Credit expired before we could get it.

Mr. Cerrone, If we don't have enough money what are we going to do?

Ms. Burgess, I don't know what is your suggestion?

Mr. Cerrone, I don't know I know we had enough money before we released the bond.

Ms. Burgess, I'll inquire with legal. I've had some conversations with John where he has offered some options that would be feasible verses doing whole overlay, etc. that would still rectify water problem.

Mr. Cerrone, That's fine once we get the bond we'll sit down with John.

Mr. Houle, When did John have these options available to you?

Ms. Burgess, It was just some discussion I had with him when we were going over the subdivisions.

Mr. Houle, With loss part of \$80,000 for Jonathan and Garrett we should probably know that just for future.

Ms. Burgess, He didn't put anything in writing this was just conversation I had with him between him and I that there maybe options as with every problem there are other options to it.

Mr. Peterson, Important issue to make sure we have money to finish it I have no other questions.

Ms. Burgess, By putting this in motion it is 45 days we have to notify him, town clerk 45 days to complete or comply with most recent punch list. In 45 days we have public hearing if he attends hearing and he has defaulted and by then we'll have all of our ducks in row and we'll be able to see how much, etc.

All in favor 3 to 0 to 1 abstain Richard Thimot motion was to take bond.

Abbott Run Valley Estates V;

Mr. Peterson, We're going to wait until we receive letters from different depts.?

Mr. Houle and Mr. Cerrone, Yes.

Mr. Cerrone, How many inspections we had last year?

Ms. Burgess, I think Shawn Jorde was only one Lyman St. Christina hasn't done anything over year, Harris Farms no.

Mr. Peterson, Do we have any guidelines or points to work to where you say once you get certain amount of work done then punch list has to be finished within certain amount or time?

Mr. Cerrone, No that is up to developer how he wants to get it done.

Mr. Houle, Subdivision is supposed to be completed at certain time.

Mr. Cerrone, Suppose to have finish coat in 2 years your binder is only good for 2.

Mr. Peterson, We don't have any mechanism once we get to that point with them to have certain amount of time to address punch list issues?

Mr. Cerrone, Yes you call the bond put pressure on that is why we're doing this tonight.

Mr. Peterson, We don't have a policy in place saying we give year to do punch list?

Mr. Cerrone, It has been going on for years. How long ago did Bally Heather start? When was first inspection on Bally Heather when they started?

7:15 P.M.- Butterfly Estates:

(Butterfly Way)

Approved: March 27, 2003

Existing Bond: \$11,628.73 (Cash) Scott Brown

As Builts: February 28, 2005

Remaining Issues;

5" granite curbing- estimate for replacement: \$5,210.00

Cracked inlet over CB #2

Cracked pavement at CB#2

Estimate for light pole: \$2,200 (per e-mail from J. Moynihan)

Recommend taking bond to finish work

Ms. Burgess, If you recall at our last site visit there were only couple remaining issues. We met with Scott Brown there he said no problem nothing has happened. I got quote for phone pole \$2200 including labor and parts. They did 5" granite curbing and we're supposed to give DPW enough money to cover if they have to replace it with 6" that amount was \$5,210. There are couple of cracked pieces of granite and that was it.

Mr. Houle, There was some cracked pavement too I believe.

Mr. Peterson, It says cracked pavement at CB#2.

Ms. Burgess, Yes you're right so possibly seal or however they could fix that.

Mr. Houle, Will amount cover all that?

Ms. Burgess, I'd be more concerned getting everything else done and then give remainder bond to replace granite curbing when need be.

Mr. Cerrone, Get all stuff done before we give money for granite.

Ms. Burgess, So \$2200 for light pole.

Mr. Cerrone, Get that done we have to wait 45 days anyway. Make motion we take bond on Butterfly Estate, seconded by Richard Peterson.

All in favor 4 to 0.

7:30 P.M.- Christina Estates:

Phase 1: Paul Lizotte Dr, Owen Dolan Rd, Delphis Monast Way

Approved: June 26, 2006

Existing Bond: Covenant

Remaining Issues;

Need construction schedule

Wants to set bond?

Present Larry Tilton and Glen Ofcarcik- Tilton & Associates and Bob Shelmdardine-attorney.

Ms. Burgess, They haven't posted bond and have most recent inspections that were done.

They have covenant in place. Remember we did the tripartite in January they never came and picked it up. He sent me documents on Tuesday afternoon to change the tripartite just some numbers and I send that off to Roger to review and I haven't heard back from him. Tripartite are identical except for the fact that instead of mortgaging the whole property they're just doing mortgage for the 7 lots that were to be released for the bond. Before it was for \$3 million dollars now it's only going to be \$250,000 something. There is basically just numbers change.

Mr. Cerrone, Is it going to have cul-de-sac?

Ms. Burgess, I haven't heard anything about any changes I've heard lots of rumors but nothing about having an 81W.

Mr. Cerrone, What is status with bridge?

Ms. Burgess, They didn't do any inspections last season at all they didn't do any work if you recall winter before last they were trying to...(inaudible).

Mr. Houle, By changing the amount does that change the tripartite agreement?

Ms. Burgess, No there are still 3 parties involved the only way it would change the tripartite is if there wasn't 3 parties involved. They're just bonding for 7 lots then we still hold covenant on rest of them.

Bob Shelmardine-attorney, Construction schedule submitted for first phase. Here tonight on tripartite agreement that we did some time ago. Phase I which comes right out Cumberland and what were doing is it's called Delphis Monast. What we had done back on December 18, 2008 we've been in front of Planning Board and board granted us a bond estimate for first 7 lots. It would be lots 16, 17, 18, 19, 20, 21 and 22 those are lots that have frontage on Delphis Monast Jr. Way. Bank has signed the tripartite agreement and so has my client and have triplicate original forms and I'm just asking the Planning Board to execute the tripartite agreement also so we can record it at Registry of Deeds. That will give covenant release for those 7 lots 16 through 22. We're going to commence construction on that we have 3 probably 4 of those lots under Purchase and Sales Agreement Lots 17, 18, 19 and 20 are under agreement. We've obtained the Order of Conditions from Conservation for the lots of those we need, we've obtained B. of Health approval septic design approval for those lots as well. On May 1st. we went to bank and borrowed money and our tripartite agreement we have 3 originals here and bank has given us mortgage on those lots so that we can commence construction go for building permits. Phasing plan that I've given to you, which is in the letter explains how we're going to be doing it and what we're going to be doing. We're going to do preliminary site clearing on the lots and how we're going to be completing. Most of the roadwork is done most of utilities are in that right and first section.

Mr. Cerrone, How many feet of road?

Glen Ofcarcik-Tilton & Associates, About 650ft.

Mr. Cerrone, Was this where bridge was going?

Mr. Ofcarcik, Up to that point.

Mr. Cerrone, Which lots about the bridge? How are you going to put temporary cul-de-sac? You're changing from what we agreed on when we gave approval. You were going to do it in 6 phases now you might be doing 10 phases.

Mr. Shelmardine, No.

Mr. Cerrone, Where is temporary cul-de-sac going to be right now?

Larry Tilton, Is that what you're asking do you want temporary cul-de-sac?

Ms. Burgess, It says it in construction schedule construct temporary cul-de-sac June 29- July 10.

Mr. Tilton, We can use lot next to 17 use 16 put turn around.

Ms. Burgess, Whole 16 what about wetlands?

Mr. Cerrone, Where is frontage for 22? What happens if that bridge doesn't go through how are you going to get frontage on lot 22?

Mr. Shelmardine, It is just temporary layout we're not changing anything.

Mr. Tilton, Temporary cul-de-sac on lot layout won't change.

Mr. Cerrone, I haven't been there in about 2 years but last time I was there when you first started there was big wetlands you had to cross you were trying to get bridge. If you can't make that crossing what is going to happen everything gets changed from approval.

Mr. Shelmardine, Yes we'll come back.

Mr. Ofcarcik, Two things we have approval in place to cross wetlands without the bridge the fill. We have state and local permits to do all that work without the bridge. Have permission to fill wetlands and cross from NA Conservation from DEP, Wetlands Division they have 401 water quality certificate to that fill in the works. Question of bridge came up could it be ...(inaudible) if the client chooses not to he has the permits to fill it in.

Mr. Houle, If you do fill it in is there someplace where you'll replicate that? (Yes).

Mr. Shelmardine, It's all approved.

Mr. Cerrone, Do we have anything from Conservation?

Mr. Shelmardine, We have Order of Conditions.

Mr. Cerrone, If I recall Order of Conditions when we first started this I'm going back to hearings you were going to have bridge right?

Mr. Shelmardine, We were going to fill it in with box culvert.

Mr. Tilton, That's approved we have 2 to1 side slope in that section instead of 4 to 1.

Mr. Shelmardine, If we do anything different than what has been approved by Planning Board we need to come back here. We're not asking for any changes right now in subdivision plan approval. All we're asking for is you asked for construction schedule and board voted on 12/18.

Mr. Cerrone, To bond Phase I.

Mr. Shelmardine, To release lots the bond lots 16 through 22 I have minutes of meeting board voted to that and it is \$278,000. We've now brought the security to secure that obligation signed by the bank and my client and it needs signature of the Planning Board. We're not asking for any changes from Planning Board from approved plan none at all. That doesn't say that we may not come back it may be a bridge it may not be it may be that we're going to continue with what has been approved, which is box culvert.

Mr. Cerrone, I'm going to be straight out you come back for change we're going to have public hearing again, we're going to start all over again.

Mr. Shelmardine, Unless Planning Board deemed that it is minor change where hearing is not needed then we'll come back in front of the board.

Mr. Houle, I would say bridge is major change I'm telling you right now.

Mr. Cerrone, If this road doesn't go through like it shows now and you're saying cul-de-sac open another place we're going to start all over again. I'm telling you now so we're on same page.

Mr. Shelmardine, We would have to come back and get Planning Board approval to whatever we are then suggesting tonight we're not asking for any changes. Tonight we are building it we're in front of you with an approved subdivision plan.

Mr. Houle, How many lots are in Phase I?

Mr. Shelmardine, 20 lots. We're not looking to make things tough, we're trying to keep it simple we need to liquidate our investment as soon as possible. If that means that we need to take 7 of 20 lots and start building. We have people that want to buy from us now and we're desperate to sell. We're not trying to make this tough we're trying to make this as simple as possible. The simplest for us right now is on side of ravine we have ability to go build on 7 lots and that is what we would like to do. Planning Board voted on 12/18 on what bond amount is for those first 7 lots. If we change to any extent in the future anything that has been approved unless it is field change and Planning Board says it's field change then we need to come back and we'll do what Planning Board requires us to do including advertising, another hearing, modification of already approved subdivision. We've had no activity on this site we're trying to build it's not an easy market. We get crunched by lack of credit on both sides lack of credit to build subdivision once we get money to build it then we get crunched by lack of credit for

buyers who are trying to buy homes. We have opportunity here to hold on we've got lots 19 and 20 are under agreement we think 16 and 17 are close 17 I think we're going to build spec home on that.

Mr. Cerrone, If they come back and say they can't go over I'm going to start public hearing again.

Ms. Burgess, I've sent out tripartite agreement to Roger Ferris I'm just waiting to here back.

Mr. Shelmardine, There are no changes except for. I don't have time to wait for Mr. Ferris I'm sorry I'll show changes in here.

Ms. Burgess, You can leave the signed copies with us I don't foresee there being any problem.

Mr. Shelmardine, Changes that we made in tripartite agreement from one that was approved all we've done is changed the dates and inserted correct mortgage amount, which is \$278,000 and correct book and page information. Roger he's approved and reviewed this form 100 times. Can you sign this have Mary hold them along with tripartite agreement until Mary hears from Roger Ferris that it is all set? Could you do that for me it would be great?

Mr. Cerrone, We can come in and sign them once we hear from Roger.

Mr. Shelmardine, I just ask that you sign them tonight and then Mary can hold them.

Mr. Houle, Why are we signing something if Mary is just going to be holding it? We can all come in and sign it when we hear from Roger Ferris.

Mr. Shelmardine, I'm asking that you sign and hold it if 3 of you could sign it and then 1 of you comes in then it is less work for you. We really in need there are no changes that have been made by Mr. Ferris I don't know how long he is going to take to respond only changes were changes that were...(inaudible). He's already got letters where he's approved I can show you his e-mails his form.

Ms. Burgess, We only got this on Tuesday.

Mr. Shelmardine, I understand it is only dated May 1st.

Mr. Houle, Is tripartite agreement that is not been okayed by our town council yet.

Mr. Shelmardine, I don't agree with that.

Mr. Houle, There has been some changes made to it. If they are just like that they are small I agree with you 100%. I would like to hear from Roger Ferris and see what he has to say. If I'm going to start signing things before town council why am I giving it to town council to look at anyway? You're a lawyer correct?

Mr. Shelmardine, I wasn't sure why you needed town council it is just question of reading english language not question of terms being changed security provided. I understand if that is your position.

Mr. Peterson, Is that our typical procedure for town council? (Mr. Houle-Yes). I think we have to stick with our typical procedure.

Ms. Burgess, I don't think you will have to wait for another meeting.

Mr. Cerrone, We'll approve it subject to town council giving okay to sign. We can't sign until town council calls Mary and says everything is all set then we can go in and sign it.

Mr. Shelmardine, I'm sorry I don't mean to be argumentative it is not my intent.

Mr. Houle, If I'm going to give something to Roger Ferris then I have to give him appropriate time to get back to me.

Mr. Cerrone, Make motion we set bond.

Ms. Burgess, We've already set the bond everything has been done.

Mr. Cerrone, You're going to call in for inspections?

Mr. Shelmardine, Yes.

Mr. Cerrone, What do we need 48 hrs.?

Ms. Burgess, Yes and if I may I would like to give this construction schedule to John so I can get estimate for inspections?

Mr. Shelmardine, Sure.

Ms. Burgess, Once we get that in place you guys give us the revolving fund and then we can move forward from there.

Mr. Shelmardine leaving signed agreements.

Ms. Burgess, Did you guys finish the whole permitting? Did you get stuff from Army Corp, etc. all other permits required for other phases?

Mr. Shelmardine, We're all set for what is currently in front of you right now. We have permits from Conservation, B. of Health to do on site septic. We're still in process of working out sewer that is going up. It looks pretty promising for us amounts been set agreements are in works.

We have MEPA Phase I waiver, which is through the state for first 20 lots. When you have MEPA approval that is all state approvals that you need all state, federal and pretty much local approval we're pretty much all set.

Ms. Burgess, I was just curious about the other 80 lots.

Mr. Shelmardine, We're still working on those.

7:45 P.M.- Harris Farms

(Ruest Rd, Pearle St, Harris Drive)

Approved: February 5, 2004- Final Modification

Existing Bond: \$217,019.55 (Survey Bond) Brian Weiner

Remaining Issues;

Most recent bond reduction was October 18, 2006

Ruest Road: 83% complete

Pearl Street: 88% complete

Harris Drive: 88% complete

Top coat and final work still needed.

Mr. Cerrone, Mary you never had any complaints or anything it is all private roads anyway.

Ms. Burgess, Yes it's all private roads last bond reduction was done in 06 they're about 80% done with road they need to do top coat and final stuff. They have 3 houses they're building right now. I think they're all set with all their approvals.

Mr. Cerrone, They have all wetlands done as soon as they went in there guy doing contractor was good contractor.

Mr. Houle, On upper High Street where they've torn up that road is there bond in place you might no about with DPW? I personally went down other day with motorcycle with 3 other people one of them nearly went down that is how bad High St. has gotten.

Ms. Burgess, Not that I know of it is pretty bad there.

Mr. Houle, Would you find out and see if there is a bond. I thought there might have been one.

Mr. Cerrone, I think there was.

Ms. Burgess, Harris Farms put bond up?

Mr. Cerrone, Yes because they had to run water, sewer, gas all that stuff. They were supposed to fix it they were supposed to widen road. Public works got money for that it was part of the mitigation.

Ms. Burgess, They said they were going to work with DPW through that and not through the Planning Board. I read through conditions of approval because when we got that complaint about the wall and it was all to be handled by DPW. If it was to be done in public wouldn't DPW do it?

Mr. Cerrone, No they have to do they're holding bond to make sure developer does it.

Mr. Houle, Developer is responsible for it he's ripped up the street.

Mr. Cerrone, You might want to ask DPW what is status on High St. We're still holding bond and we want to know when High St. going to be fixed we're having people complaining to us they think it is our bond. You might want to ask Mark Hallowell.

Ms. Burgess, I will do that.

Mr. Cerrone, I don't think John Lavin has been in there Earth Tech did the inspections.

Mr. Houle, We did ask him to do some things and one of things we asked at a meeting was to cover metal where the bridge was so kids wouldn't hit their head on it and they did box it in.

Mr. Cerrone, Whatever you ask them they do there has never been problem with them. High St. is not our jurisdiction we can't tell them what to do.

Mr. Houle, It is getting bad.

Mr. Cerrone, Do an Action Needed Report have people do them.

Ms. Burgess, I did refer 2 people to Action Needed Reports today.

8:00 P.M.- Queen's Grant

(Amy Lane, Girard's Way, Sarrazin Rd.)

Approved: April 4, 2002

As Built:

Existing Bond: \$75,179.47 (Cash) Rick Bessette

Remaining Issues: Amy Lane 89% complete (March 31, 2008 punch list)

Need updated as built showing Amy Lane curb cut

Lot #5: Lower water service shut off

Detention Basin #1: check rip rap

Remove/repair pavement at intersection of Amy/Allen

Remaining Issues: Girard Way 91% Complete;

Surface water between #21/22 and #19/20

Locate/remove all pipes that drain toward road

Discuss run off issues

Remaining Issues: Leo Sarrazin Way 90% complete;

Restriction at end of flared end pipe at inlet

Locate/remove all pipes that drain toward road

Remaining Issues: General;

Review stormwater issues

Review utility locations.

Discuss pulling bond!

Mr. Cerrone, I have punch list for 6/1/08 telling Mary should have it was CC to her. They haven't called for any inspections?

Mr. Houle, You've gotten no updates from anything?

Ms. Burgess, No I haven't gotten anything but I do have problem.

Mr. Houle, Opening up Queen's Grant.

Mr. Cerrone, No inspections in past year?

Ms. Burgess, No. I have received complaint there is water gate on Sarrazin that no longer has cover and there is sink hole behind hydrant on Sarrazin. I called Rick Bessette left him two messages. This was brought to my attention by Water Dept. left two messages with Rick Bessette gave them information to contact Rick Bessette also. Haven't heard from him and then today I received phone call from one of the residents saying that rags had been stuffed in water gate. I know DPW said they were going out and do that because I don't know if they have another cover they could put there. Rags were put in so nothing gets in it no dirt or anything gets in water.

Mr. Houle, Put off Queen's Grant and open Harris Farms again.

8:02 P.M.- Harris Farms;

Eric Carlson- Director of land development Toll Brothers.

Jason Witham- Assistant Vice President Toll Brothers.

Mr. Cerrone, How are we making out up there almost done what are we doing? What is status? We haven't heard from you guys in while.

Mr. Carlson, We're busy just selling homes right now but site improvements are up to binder. I'm sort of in maintenance mode right now while Jason operations group sells and builds remaining lots.

Mr. Witham, We're down to our last 5 lots that we need to sell and build. We're anticipating we'll be sold out by year end based on our current sales. We're hoping beyond lot disturbance will be over and done with next spring, which will then allow us to get into our top coating, etc.

Mr. Cerrone, You don't have curbing you have cape cod berm if I recall.

Mr. Witham, We've already replaced some of that.

Mr. Cerrone, I think before you do anything you should have punch list done by our engineer. Inspector that was doing that we got rid of him we have new inspector so this way you won't have any problems at the end.

Mr. Carlson, Yes is it too soon to start something like that?

Mr. Houle, Punch list?

Mr. Carlson, Yes.

Mr. Cerrone, No I think I would have John Lavin go out there and get new punch list. Set up time with Mary tell her you want to have engineer out there. He's going to want to see plans want to see what inspection reports have been done already. This way when you're ready to do final coat you ahead of the game. Call town planner she'll call John Lavin tell him what day you want to meet with him.

Mr. Houle, There was lot of work done on upper High St. in entrance and it was dug up pretty well and it has gotten dug up and there is lot of potholes. I live further up the street. What is the plans for that and do you have bond in place with DPW?

Mr. Carlson, I'm not sure certainly have one with Planning Board for improvements. You're talking about off site improvements?

Mr. Houle, Right.

Mr. Carlson, I will look into it. I guess if there is some patching in result of settlements.

Mr. Houle, It is lot more than that the road is torn up it is horrible that is why I'm asking you.

Mr. Cerrone, You guys made the agreement with Public Works.

Mr. Houle, You dug it up in many places along side and middle of road, further up and it is sinking in it is really bad right now.

Mr. Carlson, I guess we would want to walk it with somebody to get idea of what issues are.

Mr. Cerrone, Mary is going to check and see if they have bond. They must had it done on off site improvements.

Mr. Houle, You don't remember if there was bond set for that?

Mr. Witham, I would have to check our records.

Mr. Carlson, I'm new at the project. I don't think we do because it would have popped on the bond the tracking that I see on regular basis.

Mr. Cerrone, I thought you had to set bond with them.

Mr. Houle, I could be wrong Mary but I thought there might have been bond.

Ms. Burgess, I read through file little bit I didn't see anything I saw all off site was going to dealt through DPW. We didn't instruct them to set bond with DPW that would only be something that DPW would do.

Mr. Cerrone, It's not our jurisdiction anyway.

Mr. Houle, Mary is going to check with DPW but to let you guys know the street is a mess. All dug up by you guys.

Mr. Cerrone, Kind of deal DPW did nobody knows.

Ms. Burgess, Once I find out some information I let you know regarding that situation but also do you want to give me a call regarding the punch list and setting that stuff up.

Mr. Carlson, Yes. Is that an in-house engineer you have?

Ms. Burgess, We have inspectional services engineer that we use so it goes through our office. Firm is Earthworks Engineering John Lavin he is local.

Mr. Cerrone, Probably best thing to do is set up time and meet him at office give him schedule of what you want to do for the summer. I think that might be best way set up time with Mary.

Mr. Carlson, I think I'm going to chat with Mary on dedication process. I know it is private development but to extent that we develop punch list how we get through it. Get bond release I don't know if it is down to the minimum at this point.

Ms. Burgess, Between the last time a punch list was done not even punch list I think 05 was last time anything was done. I would need an updated punch list and everything like that and see if we can. You have Surety with us.

Mr. Cerrone, It's at \$217,000. Have him do punch list and you might be able to cut that right down.

Mr. Carlson, I went through with our contractor because he's been on the hook. We spent day earlier this spring pop every drainage structure and sewer structure had good look at them. I think it looks pretty good.

Ms. Burgess, Last bond reduction was done in 06 and it showed that you're about 80% high 80 on being done. It's just topping out the final work.

Queen's Grant;

No one present.

Mr. Cerrone, Make motion we take bond for Queen's Grant, seconded by Richard Thimot. All in favor 4 to 0.

Ms. Burgess, On all of these hearings do you mind if I schedule them all on same night? No Problem.

Ms. Burgess, With regards to complaint I got would you mind if I asked DPW now that we've taken action to pull the bond to put water gate cover on it and fill the sink hole? Problem is they're worried that if a fire fighter goes out to turn on that hydrant he is going to fall 2ft. into sink hole it is right behind hydrant it is bad. Unless you want me to hire somebody to do it but I won't be able to pay them for 45 days.

Mr. Cerrone, That's all right hire someone. Call up Grimaldi and have him go out there and give you bill.

Mr. Houle, Get 3 bids.

Mr. Cerrone, Get bid from John Walsh he's here.

Ms. Burgess, I need water gate cover just cover.

8:15 P.M.- Westwoods Estates

(Ronald C. Meyer Dr., Houde St, Jennifer Circle, Bryan Dr., Paul E. Robitaille Road, Chickadee)

Approved: January 23, 1997

Existing Bond: \$210,300.00 (Surety Bond) Walsh Realty Ptnshp.

Remaining Issues;

Need update on status.

John Walsh, I think we have 1 bond left with you for Ronald Meyer.

Ms. Burgess, Yes \$210.

Mr. Walsh, Have 7 lots left under that bond we have curb in, temporary driveways.

Mr. Cerrone, You guys are plowing? (Yes). We haven't had any complaints there have we? (Ms. Burgess- No.)

Mr. Walsh, Builder that was in there went bankrupt two lots got foreclosed on we bought the lots back to protect the neighborhood.

Mr. Houle, Don't have any former punch list or anything like that?

Ms. Burgess, The folder is very thick I didn't get all way through it. 6 roads were accepted and approved through town meeting.

Mr. Walsh, There is 7 lots under this bond there is another phase. If it goes on much longer we're just going to pave the road if it gets toward the end of year and then spring we'll pave section down the road.

Ms. Burgess, You're just waiting for last 7 lots to sell?

Mr. Walsh, If it doesn't look like the economy is going to change.

Mr. Cerrone, I have no issues on that project we never had complaint from day one. We never had problem with inspection, or something was wrong, mud all over the place.

Mr. Walsh, This is under old inspections DPW.

Mr. Cerrone, Mary do we have any reports?

Ms. Burgess, Reports they keep over there so I have to inquire about reports.

Mr. Cerrone, We should get copies to have in our files.

Mr. Walsh, Last year was some more curb in, some sidewalks.

Board taking 10 minute break.

8:30 P.M.- Dorey Estates
(Pond View Way, Magnolia Drive)
Approved: April 2, 1998
Existing Bond: \$3,213.80 (Cash) Doug Cash
As Builts: October 10, 2004
Remaining Issues:
Driveway on Lot 11 on Magnolia Drive is not flush with road and puddles water at entrance.

Ms. Burgess, Same news from last time we went out there driveway on Lot 11 it is not flush with the cul-de-sac and the apron needs to be redone that was only problem we had there.

Mr. Cerrone, Did we get all letters?

Ms. Burgess, I haven't yet.

Mr. Cerrone, Might want to do that all departments.

Doug Cash, It was probably 4 years ago I think all as builts and stuff got turned in.

Ms. Burgess, We have the as builts.

Mr. Cerrone, We need letters from all departments because you have to get article for street acceptance. When are you going to get driveway done?

Mr. Cash, I'm not going to do whole project just the end, which is what you guys want.

Mr. Houle, What needs to be done?

Mr. Cash, The rain well water keeps building up.

Mr. Cerrone, How soon can you get it done? 45 days or bond will be pulled either you do it or we take the money.

Mr. Cash, I will see John next week.

Ms. Burgess, You will get notice that we're taking the bond.

Mr. Cerrone, Get the articles we need to get done.

Mr. Cash, I don't know if I'm going to have all that done.

Mr. Cerrone, Get driveway articles are easy to do.

Ms. Burgess, Articles take like 10 minutes.

Mr. Cerrone, You have plenty of time go see Mary and she will help you with the articles.

Mr. Houle, You have to get letters from other boards.

Mr. Cash, Peter Murray did inspections there.

Mr. Cerrone, You have existing bond of \$3,213.80. I know bounds have been done, as built are done. Only thing left is driveway.

Ms. Burgess, Yes we did site walk last year and the detention area we looked at, rip rap looked good everything around there.

Mr. Houle, It was little bit overgrown that's all.

Mr. Cerrone, Make motion we take bond in 45 days if not done, seconded by Richard Thimot. All in favor 4 to 0.

8:45 P.M.- Depot Estates

(James Foley Drive)

Approved: March 18, 2004

Existing Bond: \$312,892.80 (Surety Bond) Shawn Jorde

As Built: April 28, 2008

Remaining Issues:

No punch list in folder.

Shawn Jorde, Trees I want to talk about there are two things on plan it requires 10 trees per lot on approval letter it requires 8 trees per lot. What are we going with? There is one guy who doesn't want trees he said put them in backyard in group and when you're all done I'm going to cut them down. I had to convince him to do it because we never had easement to put trees. There are only 3 lots that require the trees other trees are there.

Mr. Cerrone, Go by the plans 10 trees.

Mr. Jorde, Tree fell on fence on detention pond I'll fix that. As built are done but they have to be redone because of some other requirements.

Mr. Cerrone, Get trees you don't have anything else there?

Mr. Jorde, No just the trees. I'm sure I had punch list.

Ms. Burgess, I don't have recent one in folder I don't know how long this has been going on for. Trees were last year as well so I don't know how long we've been dealing with trees.

Mr. Cerrone, Get trees done.

Mr. Jorde, I bought the trees today.

Edgewood Gardens Extension II

(Ext. of Colonial Rd)

Approved: July 8, 2004

Existing Bond: \$40,034.28 (Surety Bond) Shawn Jorde

As Built: July 20, 2007

Remaining Issues:

75% complete according to punch list dated June 18, 2008

Loam and seed cul de sac

Clean and flush drainage system

Install oil/water separators in CBs

Raise curb stops to existing grade, cleanout riser pipe and recommend cover be painted blue

Re-mortar joints in curbing where required

Remove vegetation from gutter-line and curb joints

Clean sidewalks

Letter's from departments once above is completed

Mr. Jorde, There is actually two extensions again that is all done that is completed except for as built. My fault when I put in the catch basins I didn't put hoods on them. I haven't talked to

DPW about different type of hood same thing but it fits inside pipe lot easier to install same price as hood or this thing. It slides inside the pipe fits nice next generation of hooded catch basins approved by DEP. To go back and drill them and put them in now I will give it to you.

Mr. Cerrone, Give us a copy and we'll have John Lavin look at it.

Ms. Burgess, We have as built from 2007.

Mr. Jorde, I put them in and there are things he wants changed.

Mr. Burgess, On John's most recent punch list you basically just have clean up stuff?

Mr. Jorde, Pretty much.

Ms. Burgess, Curb stops, water joints, take vegetation.

Mr. Jorde, Yes clean the catch basins.

Mr. Houle, When do you think we could get this cleaned up?

Mr. Jorde, I want to start on Depot I know I have six I can't six at once. I would like to start at one get it done. I went to see John last time we had talk we went over six subdivisions it was almost overwhelming I couldn't even remember half the stuff. I would like to try and go through Depot get it done get on board with what he's got in mind and what he wants. That way I can just go to next one. They're all done these subdivisions are completed except basically for as built and few cleanup items.

Lyman Street Extension

Approved: October 27, 2005

Existing Bond: \$116,532.00 (Surety Bond) Shawn Jorde

Remaining Issues:

- Need construction schedule for completion

Olde Towne Estates Extension

(Extension of Historical Way)

Approved: December 19, 2000

Existing Bond: \$34,688.85 (Surety Bond) Shawn Jorde

As Built: April 22, 2008

Remaining Issues:

- 80% complete according to the June 19, 2008 punch list

- Clean and flush drainage system

- Install oil/water separators in CBs

- Install dry wells for house gutters

- Remove restriction at end of flared end pipe at inlet

- Raise curb stops to existing grade, clean out riser pipe and recommend cover be painted blue

- Obtain/review water main test/chlorinate: approval letter

- Re-mortar joints in curbing where required

- Remove vegetation from gutter line and curb joints

Mr. Jorde, Same with this one.

Quail Creek II

(Extension of Quail Creek Rd)

Approved: August 24, 2000

Existing Bond: \$24, 251.00 (Surety Bond) Shawn Jorde

As Built: July 2, 2005

Remaining Issues:

- 96% completed according to the June 19, 2008 punch list

- Clean and flush drainage system and remove debris from area surrounding catch basins throat stones

- Remove all growth along gutter line

Mr. Jorde, Same with this one.

Waterson Estates

(Harold K. Waterson Lane, Ext. Red Oak Rd)

Existing Bond: \$280,797.66 (Western Surety) Shawn Jorde

As Builts: None

Remaining Issues: Waterson Lane;

87% complete according to the June 18, 2008 punch list

Clean and flush drainage system

Install oil/water separators

Install inverts as required

Clean detention basin of debris

Replace culvert?

Install stainless steel rods in the concrete flared ends

Raise curb stops

Clean water main shut off risers

Loam and seed behind sidewalks on empty lots

Trees

Install bounds

Sweep and clean roads and sidewalks

As Builts

Mr. Jorde, Same with this one. Other ones Olde Towne Estates Extension, Quail Creek II they are all completed they're done paved, as builts have been done but they need to be tuned up for water gates. Last one is Waterson Estates that is just the bounds.

Remaining Issues: Red Oak Road

6% complete according to the June 18, 2008 punch list

Need construction schedule for completion

Mr. Jorde, It has only been cleared and grubbed the builders are looking to build.

Mr. Cerrone, No sense even starting.

Mr. Jorde, I cleaned it up I went and took pipe out of there flattened off whole area kind of hold off on that.

Mr. Cerrone, Finish up what you have first before you start here.

Ms. Burgess, Do you have as builts for Waterson done?

Mr. Jorde, I don't think I do.

Mr. Cerrone, Waterson is all done lights are in and everything is in?

Mr. Jorde, Yes it's just as builts and bounds aren't in and cleanup.

Mr. Houle, You have to install hoods there too?

Mr. Jorde, Yes.

Mr. Cerrone, What kind of hoods does plan call for?

Mr. Jorde, Cast iron hoods they don't really work water goes out of catch basin gaps around it. This other thing sits more flex to the wall it also fits inside the pipe you bust it just slide it all way in.

Mr. Cerrone, I think Public Works said at one time they were going to use vacuum trucks all the time that is why they bought that new vacuum.

Mr. Jorde, I have trees for Depot I'm going to start putting them in on Monday get that done.

Talk to fence guy get that straightened out. I would like to talk to John go over Depot with him.

Mr. Cerrone, Set up time with Mary and you and John go over the list. Give us report within 45 days our next meeting when we do this.

Ms. Burgess, What about Lyman St?

Mr. Jorde, Curbing it's not big area curbing around cul de sac and top coat of pavement. There is no sidewalks, binder is down. There is one lot that has crossing had problem with it still trying to take care of that.

Mr. Houle, What do you have left at Quail Creek I don't think there is much there?

Mr. Jorde, Hoods on catch basins. I don't mind buying the hoods it's putting them in.

Mr. Houle, You think we'll have some sort of idea within 45 days is that fair enough?

Mr. Jorde, Yes.

Mr. Cerrone, We want to start wrapping them up we already called about 3 or 4 bonds tonight.

Ms. Burgess, I think we pulled 4.

Mr. Jorde, You send me letter I'm going to come.

Mr. Cerrone, Do you have letters from John?

Mr. Jorde, I do have some letters.

Ms. Burgess, Will get him copies.

Mr. Cerrone, Report to us in 45 days.

8:50 P.M. Cliffs Village II:

(Wagon Wheel)

Approved: February 29, 1996

Existing Bond: \$9,159.99 (Passbook) Fred Bottomley

As Builts: January 2002

Remaining Issues:

DPW requested: Crack filling of expansion cracks in the roadway at several locations which will be delineated by the DPW and apply a layer of Microseal to the entire street after crack sealing work has been completed

Spoke with NAED re: Lights. Invoice submitted but never paid: \$398.23

Mr. Cerrone, Light is up there was light issue at one time?

Ms. Burgess, Yes he paid the invoice last week and I asked Jay Moynihan to verify and he was going to get back to me.

Mr. Cerrone, That was only thing left from Planning Board issue is light right?

Fred Bottomley, As far as I know.

Mr. Cerrone, I know road looks like chucky cheese.

Mr. Bottomley, Yes the road as board knows was all inspected and signed off. One of the neighbors wanted a slight depression filled in at catch basin and that was done. Then highway foreman at the time got supt. to write letter to your town planner at the time and then they took it structure by structure created patchwork quilt that is there. I know I spoke to Mr. Barrows who did the work Monday evening and I had said we were coming before board tonight. We've held off asking for release of the bond. We were asked to put sidewalk down length of Landry Ave. and we did that with vertical granite curbing. I believe you're holding little more than \$9,000 and I will be putting in written request for release of funds once you folks are satisfied.

Mr. Cerrone, Mary on your comments DPW request crack filling, expansion cracks in the roadway.

Ms. Burgess, That was from year ago was letter we received when we asked them about Wagon Wheel and they asked Fred to do this work before they would sign off on it two years ago.

Mr. Cerrone, Can we get letter from them?

Mr. Houle, Stating what?

Mr. Cerrone, Stating reason for cutting that road up.

Mr. Bottomley, The cutting was done to put floable fill around all of those structures. They were inspected at the time because foreman for highway dept. stood physically on the street while we did it. I reported back to Mr. Riley and he asked was street inspected and approved before all this was done I said yes it was. There have been numerous meetings I have attended with Planning Board and Mr. Riley told me that he remembers it and he's not changing his mind. Spent thousands of dollars to do things period.

Mr. Cerrone, I don't care you have to get article for town meeting?

Mr. Bottomley, I had explained to Mary on that issue and a previous town planner did these articles for town meeting. Wagon Wheel was accepted but reading the article and when Gene Allen was here or Smith St. I can't remember where I explained to him that the article acceptance that portion of way that was done in early 70's was done incorrectly. The acceptance did not bring it from intersection of Raymond Hall Dr. to Fieldstone Lane, which would have been Old Wood North at that time. What Don Johnson in discussing with Gene Allen neither are here so I hope I'm relaying it correctly. That Planning Board/DPW was going to put an article to town meeting and explain that they are correcting a previous town meeting acceptance, which was wrong. The easiest thing to do would be to take it from station 0 + 0 at Old Wood North and Wagon Wheel and grant length of Wagon Wheel whatever that showed on subdivision plan. Just have new acceptance for whole way. I must have mentioned at least 8 or 9 years ago that it was wrong. I told Mary about route I think it should go.

Ms. Burgess, You're asking us to do article and you're not doing it?

Mr. Bottomley, What you and I had talked about was that you would write up the correction and I would get signatures. I had also said I'm not going to be humiliated in the future by going to FinCom. I think it is unrealistic/unreasonable request for developer to plead their case to Finance Committee after this board has already accepted work that has been done. As you've seen in the past you've had recommendations come out of FinCom for acceptance that has been beaten down on town floor because other boards have objected. They didn't object at FinCom hearing they waited to do it on town floor. Once you folks are satisfied your engineer is satisfied got all you want you're the ones protecting the town and residence. The component should be Planning Board not the developer. Whatever I need to do I do I thank Mary for reminding me to get money over to electric co. I have receipt.

Mr. Houle, Do we have copies of most of reports on this one?

Ms. Burgess, I haven't looked for reports it was inspected by DPW.

Mr. Houle, Could you check and see if we can get copies?

Mr. Cerrone, Have it on file so we can make decision on releasing the moneys. If that stuff was inspected already we shouldn't hold applicant liable.

Mr. Houle, I think someone or certain board would have problem with denying this or getting on town floor and asking them to deny it for any reason if they did the inspections. I think they would have few questions to answer.

Mr. Bottomley, Others have raised questions in the past they've been inspected.

Sheldonville Preserve

(St. Lawrence Way)

Existing Bond: \$16,766.37 (Passbook) Fred Bottomley/Allen Riley

As Built: February 17, 2009

Remaining Issues:

Changes need to be made to final as built

Received letters from Bob Davis and NAED with no concerns

Waiting on DPW

Patch approved by DPW and lights installed

Mr. Bottomley, We handed in as built received week an half or two weeks ago John Lavin's letter. I should mention that with me this evening beyond Allen Riley my brother in-law I have Chris Yarworth Engineering he is PE as well as PLS civil engineer from Cornell University. As built were handed in approximately two months ago and everything was done. Reading John Lavin's letter Chris will add in the swing ties, which we didn't have at the time.

Ms. Burgess, John Lavin's letter is in your package so everybody can read along with it.

Mr. Bottomley, All of water shut offs had been located measurements were done John just asked that plan be modified that measurements that Chris would give to Planning that they come from fixed structures such as catch basins, drain manholes, etc. Only question that came up one some of the inverts are slightly higher such as six hundredths such as .14, .11, .21 and .21. These are inverts in the catch basins not in drain manholes. The inverts and catch basins when they were installed were inspected by Earth Tech during construction they are what they are and certainly not significant. The problem that we have and that always happens as board is cognizance that the developing engineer is not on site while the drain structures water line, etc. go in and part of your regulations call for a engineer/surveyor certification. We don't feel that an engineer who is not on site in this case the town meaning Planning Board has their own engineer daily construction reports that Planning Board receives state down bottom whether it was installed correctly or not. To me that is certification we don't think that it is applicable nor practical for an engineer to stamp an as built that is built 100% way plans were approved. No engineer that I know as ever been on site during laying of water pipes, drain pipes, etc. It has always been in regs but doesn't have ...(inaudible). We did when we rechecked had two concrete bounds only because they laid up with Form A's if board remembers is that secondary strip of land that runs length of Sheldonville Rd. in people's deeds that anytime the town wants that section I believe it is 20ft. wide to widen Sheldonville Rd. Whatever town wants the town can have those properties right now individual homeowners are paying taxes on those. We did change two concrete bounds that we found by another engineering firm. This board has already approved the patch that Lynch did out there Albert St. Lawrence is ready for road way acceptance by first Planning Board then article to go to FinCom and town meeting.

Mr. Houle, Do you plan on putting that article together?

Mr. Bottomley, I discussed it with Mary and we're going to do it together get the 12 signatures and submit it.

Mr. Cerrone, Mary on your report you said wait on DPW what are we waiting for?

Ms. Burgess, I sent out e-mail requesting feedback from St. Lawrence Way once we got the as built and once we got John's feedback. We got if from electric dept. and health dept. but haven't received any correspondence from DPW regarding this.

Chris Yarworth-Yarworth Engineering, I looked at old as built plans done in the past I don't usually put them on because I'm guessing and if someone is going to dig they should call Dig Safe for that kind of stuff. Putting them on plan putting note saying designation tends to I have no way of knowing. All I can locate is the service features so service features are shown.

Mr. Bottomley, That is inspection that has been done after phase conduit stage...(inaudible). Has to be done to their satisfaction engineer doesn't that is another aspect that engineer was on stage in this case Earth Tech was engineer.

Mr. Yarworth, We put a note we're showing surface boxes so they know electrical is there we put note you have to call Dig Safe if you're going to dig, which they're required to do anyway. If I'm guessing where electrical lines are I'm off by 10 or 20ft., which I could easily be. Somebody is more likely to see plans say it is safe to dig here and you get in trouble as opposed to seeing nothing knowing there is electrical line there saying I have to call Dig Safe to be sure I know where it is. I do not know where those lines are.

Mr. Bottomley, I'd like to reaffirm previous comments I've made. The electric dept. used to do the layout we'd submit it to you became part of your condition of approval. Since they've gone to this type plan they do not do the layout. I think the old way was much better even if the developer had to pay the electric dept. to do it because then Planning Board is getting exactly what other department wants. I think it is a flaw that may come back and bite hide quarter.

Mr. Cerrone, What do they do over there in that big building? They have lot of office space.

Mr. Bottomley, With your permission I will work with Mary on very short order to get the correct wording or terminology for roadway acceptance article and then I will get signatures.

Ms. Burgess, You're asking board to not recommend putting underground utilities on the as built and you're also recommending that drainage differences stay as they are?

Mr. Bottomley, Yes.

Ms. Burgess, Those two issues the board needs to address whether they would like to have underground utilities on as built and whether the difference of hundredths of inches on drainage in catch basins, etc. I don't know what you would do to rectify that change at tenth of an inch.

Mr. Cerrone, What is a tenth and inch? That is nothing I can see if it was foot you're not doing finish work here.

Mr. Houle, Will it cause puddling?

Mr. Cerrone, No it's inverts nobody is going to see that.

Mr. Yarworth, Usually you don't need 12" pipe anyway.

Mr. Cerrone, I don't see any problem with that.

Mr. Yarworth, That happens a lot usually what happens is the end on design plan the engineer doesn't account for like rim, frame and basin.

Mr. Cerrone, If you're within an inch you're doing well.

Mr. Houle, What about underground utilities?

Mr. Cerrone, At least you have all the structures on top marked.

Mr. Yarworth, I would be guessing where the pipes are.

Mr. Bottomley, We don't even know what ...(inaudible) requires because it is not something and developer can't touch any of it other than laying of conduit, which is on the plan.

Mr. Cerrone, I have no problem.

Mr. Peterson, System is working right?

Mr. Cerrone, Yes.

Mr. Peterson, Couple inches might be in couple places water is squalling right.

Mr. Cerrone, Doesn't overflow all above the culvert.

Ms. Burgess, You're going to update as built for the swing tie and stuff. Is detention pond with St. Lawrence?

Mr. Bottomley, I think it shows up on Loughlin.

Ms. Burgess, What about verifying that it can hold volume it was designed to hold?

Mr. Bottomley, What did you do with Loughlin?

Ms. Burgess, We made him get letter from his engineer saying it was built it actually turned out one of them wasn't built right and they had to go back and fix it. We need letter stating that detention basin can hold the volume that it was supposed to hold.

Mr. Bottomley, We'll look at his because ours doesn't hold ours flows into his.

Ms. Burgess, But what was it designed for? It was designed to hold X amount so if it designed to hold X amount then it should still hold it. Letter saying it holds the volume that is all we need for that.

Hickory Woods

(Bishop, Barry, Thorpe)

Approved: August 16, 2001

Existing Bond: \$82,994.14 (Passbook) Fred Bottomley

As Built: No

Remaining Issues:

- Need As built

- Need updated punch list to reflect work done last Fall

- Final Cleanup items should remain and landscaping issues

- Developer stated that he would work with neighbors to resolve 4 to 1 grad issues

Donald Cerrone left table at 9:18 P.M.

Mr. Bottomley, I have progress as built and we believe subject to John Lavin's review as of today but not on here at meetings here with DPW we have missing 8 or 9 swing ties. I've given them to Chris tonight, Steve Cardinelli supplied them to me today. We will add them to as built and change this from progress to final and I would think we could have it within couple weeks back to Planning Board final as built for John Lavin to review. Mary doesn't have copy of it that is brand new. As I informed Mary I met last week with Mr. & Mrs. Riel corner of Barry/Bishop. Their landscaping company General Maintenance Billy Gaskin and I believe they informed Mary that they're going to be doing the landscaping I'm paying for it. They would like to have guy that takes care of their yard do that whole corner. Michael Dunn I don't know if he called he also uses General Maintenance. To refresh your memory Michael Dunn is the neighbor who was not an original purchaser Cedar Ridge left his yard to high. Board has waived that regulation for grading so we came to an understanding with Mr. Dunn he's going to have General Maintenance do his yard I'm going to pay for it.

Mr. Houle, It's just going to be leveled off?

Mr. Bottomley, Grading has to go back in some instances 15/16ft. to have proper safe slope that would come down to the asphalt. When I agreed with Mike to do it I asked him to convey that to Mary and he has. We're ready to as soon as it stops raining there are couple yards that are left with loam and hydro seed. I know Mary got call couple weeks ago on all of the bounds 16 concrete bounds had somehow went missing. All concrete bounds are now in. That plan also Chris can explain if you want they went inside wherever there was additional sub surface drainage added. They start with invert elevation of the piping that came into either drain manholes/ catch basins, etc. They also located any above ground clean out structures on those 3 streets that were applicable to that added sub drain. I was up there again today we've rain everyday and it looks like it's pretty good. What was worse case the abutting homeowners one last spring changed their backyard one on left. Then in early Fall Pat Brigg's daughter changed her whole backyard created berms so any runoff that was coming from Fales Rd has now been diverted into side slopes. We seem to be in pretty good shape up there. I know only outstanding concern is not an issue of Planning Board anymore and certainly not my issue anybody that had perimeter sub surface drains that maybe fringing upon Title V requirement. I had meeting with Bob Davis yesterday morning who is health agent in town in preparation for tonight's meeting and as of yesterday there has been no septic problems.

Mr. Houle, Any new letters from health or anybody?

Ms. Burgess, I haven't heard anything from anyone but I was waiting to get as built before I notified everybody so they would have something to look at. I never heard anything from B. of Health regarding any of the septic issues there.

Mr. Houle, How about tie ins with DPW?

Ms. Burgess, I haven't heard anything from them either. Obviously when they get the as built they will be able to tell whether the tie is in right place or not and so forth.

Mr. Bottomley, I think we were missing 8 swing ties we will put them on the plan.

Ms. Burgess, I would like to have John go out there and do final after all work he did last Fall do final punch list so that we can be better prepared. I think it is probably all cleanup issues and maybe one or two drainage issues that might need to be addressed. I would like to have better idea from his point of view.

Mr. Bottomley, We have contracted with...(inaudible) catch basins have already been cleaned I know we are missing couple oil/gas separators and he is arranging for street sweeping. I should have mentioned that at Albert St. Lawrence we have arranged for final cleanup of catch basins I believe it is True X.

Mr. Houle, Mary can you arrange that so we get final punch list from John Lavin? (Yes).

Ms. Burgess, Do you want to do final as built and punch list at same time that way they coincide you have something to look at?

Mr. Bottomley, Yes what I had just asked Chris is it reasonable that we get back to Planning Board with final as built within 2 weeks he said yes.

Mr. Houle, How long do you think it is going to take whoever is going to do this work for these people to finish it?

Mr. Bottomley, It is really just matter of days. Mr. Achin came before the board he was doing his own wouldn't let anybody else on. Reil are doing their own and Dunn is doing his own. Our work is a couple days that's all.

Mr. Houle, You've agreed to pay their person that is going to do it?

Mr. Bottomley, Yes I believe I agreed to pay \$2400 for Mr. & Mrs. Reil and I believe Mr. Dunn \$1700.

Ms. Burgess, What about that property on Bishop one that goes down with tree well looks like depression with all trees and sidewalk was 4ft. above it or 3ft. above it if I recall. I think they had wood chips in there corner of Thorpe and Bishop.

Mr. Bottomley, That is Mr. Lewicki's property his trees are not...(inaudible) he is the one who installed a secondary driveway. We blame his driveway with John Lavin he has dirt driveway diagonally across from Don's brother. He kept the driveway apron 6" above your regulations does not want anything come in through the sidewalk down into wood chips. Whole corner is wood chips he doesn't want grass there but there is a 6 or so inch drop I would say in that layout. I will speak to him again see if he's changed his mind.

Mr. Houle, He hasn't called the board at all?

Ms. Burgess, No.

Mr. Bottomley, No he has no complaints.

Mr. Houle, As far as work to be done I understand you worked out these deals is it fair to ask or fair to assume that it can be done in 45 days?

Mr. Bottomley, I can't comment on those 3 individuals that are doing their own certainly. Our work can be done in 45 days subject to us getting as built back to you folks you putting it out to be reviewed by John Lavin and John doing final inspection there. That final inspection may or may not go beyond 45 days.

Mr. Houle, If at all possible I understand you're paying for it so maybe you do have some leeway with it if you could put move on and get that part of it done it would be one phase we wouldn't have to worry about anymore.

Mr. Bottomley, Yes all agreements came Tuesday of this week had inspections by Wednesday and met with Mr. Gaskin, met personally with Mr. Dunn and personally with Mr. & Mrs. Riel. I think they both want to get it done real quick I can't speak for Mr. Achin because I haven't talked to him one on one. I know he with driveway where we had to cut it back make it ADA accessible

Other Business:

Ms. Burgess, Something I did put on for tonight's agenda was Reed St. to move that forward. Donald Cerrone returned at 9:34 P.M.

Reed Ave Decision;

Fred Bottomley, To update board and give newest member Mr. Peterson some assistance if Richard hasn't been brought up to speed. Reed Ave. is a site where old Riley Lumber facility was. Has been in Riley family since 1853 or so. The Planning Board with bad advice rejected plan and ZBA concurred with that on bad advice and a court ruled that the zoning was correct for it. What we then came up with was a remand to Planning Board that zoning was correct. We filed an appeal for signatory remand and it has sat in Appellant Court since then. The Planning Board has met with ZBA, ZBA granted frontage variance on separating out 3 parcels of land Lot 2, Lot 3 existing Riley homestead and balance being Lot 1. As part of negotiation to settle the lawsuit we went from 31 units to 18 units over 55 housing clearly labeled Housing for Elderly. I know Mary has spoke with Roger Ferris and Roger Ferris with our council Dave Manoogian has talked. Chris Yarworth is the one who has revamped the plans that we showed the court as well as what we had submitted mid February to Planning Board. I know that at this stage both attorneys would like to dismiss it. We have some leeway as I told Mary on the site plan review issue. Whether we like or Planning Board doesn't like the court said what they said it was a zoning issue. Settlement is settlement and in reading John Lavin's letter the issue of us changing installing new pipes for the town's benefit is not a problem. On whole head water regent just below Mt. Hope St. collects in a pond at Ryder Circle and then drains out and runs through the old lumber yard property and ties in at Reed Ave. and Cross St. In John's letter his concerns were doing something to clean it. Obviously the post development aspect is lot cleaner than pre development where as the whole thing was impervious asphalt and building. Chris has had opportunity to review John's letter.

Chris Yarworth-Yarworth Engineering, I submitted letter when I submitted plans in March. He got approved drainage study when Fred did the original 31 units there was another full study when subdivision I understand was approved before or after that. You have two full drainage studies for two different projects. This project is part of settlement you didn't get full drainage study you got all conceptual some of information was submitted before it is what I said in my letter to John Lavin. First item he talks about is DEP stormwater standards if they don't apply to this project because we're outside of Conservation jurisdiction and he makes point that they are subject to it if ultimate discharge point is with Conservation jurisdiction. It is somewhat true but not entirely. Project becomes subject if pollution goes down street and effects the wetlands but it doesn't it is not subject to it. He's done his drainage study based on stormwater standards the DEP stormwater management is fine but they don't apply to this project so they are not binding they're just advising but it is still good way to start. He's go on to say pipe...(inaudible) true it refers back to the old Tilton one. His first comment is about catch basin #1 everything now flows up stream down pipe doesn't go in the easement. That catch basin is there everything flows into in now this whole site there are little catch basins scattered around kind of channel water into road and flows down. That may or may not be big enough to handle existing flow I don't know. Apparently from Tilton's old report it's not big enough there is nothing I can do about that it is just sitting there that is kind of what this first statement says. It is not good practice for all drainage to flow into catch basin but that is the way it is that is what is there now that is what is existing.

Mr. Cerrone, You're saying it's not big enough?

Mr. Yarworth, I'm saying I don't know apparently it is not big enough in report that Tilton did before for the 31 units. I don't know because I didn't do full drainage study we're going to get into what we're doing and how that impacts that. As far as our peak flows one of his comments

is our peak flows we're reducing impervious area on site near 40%. Normally with site you come in and take $\frac{3}{4}$ of site and treat it for 80% TSS removal that is saying we did great job. In this case you have site that is paved we're taking away 40% of impervious area so we're getting 100% TSS removal in that whole area and then what is left is flowing down into catch basin. We're increasing the flow I didn't do any of the calcs. I know we're decreasing the flow because we removing 40% of the TSS.

Mr. Houle, Where are the calcs.?

Mr. Yarworth, Letter is in here originally there is 62,958sq.ft. existing impervious we're going down to 37,801sq.ft., which is 40% reduction. We're reducing impervious area, adding lawns, grading it. The existing catch basin is now shallow silted up water goes right through only treatment we're adding double deep sump hooded catch basins for treatment. We're getting rid of lot of flow I haven't done a study but I'm saying we're reducing flow because we're reducing impervious area we're flattening site, we're treating water that is not there so it is improvement no matter what.

Mr. Thimot, How much open space?

Mr. Yarworth, 67.3% total is open space.

Mr. Bottomley, Minimum is 50 so we're over by 17.3%. and maximum lot coverage we're under.

Mr. Yarworth, Maximum lot coverage is 35 you have 32.7. If there is problem we're not adding to it. John's other comment increase pipe size it will create more flow but you can't because flow comes out of pipe 15" we're not adding lessen our flow leave it way it is. I flattened out pipes bit so it slows stream down. Flow from our site is going to be less flow from here is going to be same pipe is bigger but flow will be less because we're adding less flow. Volume will be there it can handle it. I tried to give you conceptual study because Fred has paid for 2 drainage studies I don't think he wants to pay for third one. It is enough to at least give you idea of what we're doing hopefully and understanding of what is going on there.

Mr. Houle, Tilton's original this won't be enough.

Mr. Yarworth, That catch basin I don't know if that handles the flows or not.

Mr. Cerrone, I thought you had to rip up quite bit new line all way down at one time.

Mr. Bottomley, We are we're still are putting new line from entrance of our property to exit.

Mr. Cerrone, I thought when we were doing subdivision I think you had to replace something on Cross St. if I recall maybe I'm wrong the lines were too small.

Mr. Yarworth, Either way they may or may not be too small what I can tell you is when you get rid of 40% of asphalt you're reducing the flows so we're not adding to it we're reducing what is there now.

Mr. Peterson, Situation is when you have 60,000 plus pavement. You don't have it now but when you did have it pipes weren't big enough now you're reducing to 7,000 still don't have big enough pipe.

Mr. Yarworth, I don't know we may never know. All I'm saying is we're reducing what is there now to less.

Mr. Peterson, Has there been problems with drainage when you had 60,000 sq.ft. of pavement?

Mr. Bottomley, I've only been on the site since 1968 Raymond goes back on 1948 on that site. Once it hits there it just goes straight down to Burns old gas station and then dumps across the street into wetlands and Ten-Mile River. In 41 years I've never seen bubbling out of that catch basin.

Mr. Peterson, If you had obvious problem and just because you're reducing it is still too small but if you don't have any obvious problems with it.

Mr. Houle, Last calculations from Tilton or whoever showed there could be a problem there, which is what you're telling us.

Mr. Yarworth, It is what report says I don't know.

Mr. Bottomley, Based on standards now if Cross St., Spruce St., Smith St., if that whole region of base of Watery Hill was rebuilt it would be built different size pipes and different size sumps for catch basins, etc. I think what Raymond just said is hit that point you all know the site I don't have to tell you the hill that it is in. We're dealing with best that we can and we've never seen a problem.

Mr. Yarworth, We addressed #3 in the letter #4 talks about recharge I'm reducing impervious so recharge is going to increase we're not doing any additional paving so recharge should be okay without having to do new drainage study for you. #5 80% TSS removal he has " please note prior to separator under two applications", which is correct. I talked this over with Fred before I did the plans we're getting TSS removal yes we can get more TSS removal by putting in system but we're improving what is there now. I was told to leave it out but what you're getting is improvement by substantial amount. Whole area is paved you have almost acre of grass instead.

Mr. Peterson, If we weren't reducing the impervious you would have to?

Mr. Yarworth, I have some recharge I would have to deal with capacity flows. Actually I wouldn't have to do any of this because I'm not subject to these regulations but most boards it's good step to go through no matter what.

Mr. Bottomley, I should mention it is kind of two way sword he's past chairman of Wrentham Planning Board.

Mr. Cerrone, This is not existing site it is new site.

Mr. Yarworth, Existing paving area is my point reducing asphalt there so it is redevelopment project so look at it from redevelopment point of view.

Mr. Cerrone, Redevelopment recall use same building.

Mr. Yarworth, No you have site that is paved 60 plus thousand sq.ft. you're reducing it to 30 something thousand sq.ft. that is going to give you improvement.

Mr. Cerrone, This is new project not redevelopment project.

Mr. Yarworth, From stormwater point of view it is redevelopment project. Stormwater doesn't talk about new use they talk about you're producing. As far as planning it perhaps would not be redevelopment. When you look redevelopment standard under stormwater with DEP they allow you to waive certain standards of some of these requirements for redevelopment project and then if you're adding pervious you have to strictly conform to those requirements. We're reducing the impervious, which this project is redevelopment as far as stormwater goes.

Mr. Bottomley, I think that the board through Mary has received direction from Roger Ferris in settling it. We obviously are very reasonable on landscaping issues those types of things. The town and Allen and I want to settle this suit and get on with it. I think if you folks had the correct information at the time the project may have even looked maybe little more units than this but again we've come down in size to make the density compatible with what your regs. are. We have to move on. Mary you had suggested to me that there would be a list of conditions is that something that has been put together or do you need vote of the board?

Ms. Burgess, Basically what I wanted to do tonight was discuss this report have Mr. Yarworth reply to this report so we can have it writing to your reasoning for not doing these things, etc. Then get final from John and then write up the decision with conditions and then town council will add in all the legal stuff that has to go with it.

Mr. Bottomley, Understanding that we are in agreement of the process but from strictly legal point of view we do not have to be addressing site plan. I've always had respect for the board and there are things that we certainly agree to.

Ms. Burgess, I did receive memo from Roger yesterday regarding conversations that were had with Mr. Manoogian and he said if you don't want to agree to decision with conditions is something the Planning Board wants then we'll just continue with our appeal. I can't speak for the board but I wouldn't think that these would be outrageous conditions but you can't expect that there is not going to be conditions considering there were conditions with the legal matter.

Mr. Bottomley, As I've told you I expect and always thought board to be reasonable and to go from there. Plan is what it is and how we can enhance it with landscape screening for neighborhoods and all of that type of stuff. Form A has been put on record after the appeal period of ZBA decision.

Mr. Cerrone, On drainage are you going to post bond?

Mr. Bottomley, Mary and I discussed that the other day I think there is reasonable myth to it. Question is how reasonable is it? We have lived with the property for our adult hoods and we think it is something the town needs fair market housing for the elderly. I don't think bond is unreasonable.

Mr. Cerrone, I'm just asking my main concern is that I think the project would be fine if something happens with the drainage. Say manhole has problem after everything is done.

Mr. Bottomley, That is going to attentively pose the problem because when do you release it?

Mr. Cerrone, You would know right away after the project is done.

Mr. Bottomley, If it is going to sit out there for year from completion of last unit or if it is going to be reducing bond as units get built. How I see it being built is all the asphalt all the infrastructure goes in get that done show you folks it is done and worry about building houses later. It is too dense of a site in R10 neighborhood to have construction. I watched Blackinton Common I watched how they tried to their roadwork and housing at same time. We have to get site done have to make something presentable to be sellable.

Mr. Houle, Fred you're saying bond would not be a problem?

Mr. Bottomley, I'm saying reasonableness of bond is not problem and how reasonable is the bond? There is reasonableness for Planning Board to ask for bond I don't have problem with that but if Planning Board came back and punitively said we want million dollars it's not going to happen.

Mr. Houle, Assuming that it was reasonable to both parties.

Mr. Bottomley, Then we would post the bond.

Mr. Houle, Maybe leaving bond in place for year after last one is built that wouldn't be a problem?

Mr. Bottomley, Wouldn't be problem if that is wishes of the board. We can't control Smith St., Spruce St., Cross St., Rte.1. Is the water going to back up from the swamp on westerly side of Rte.1 back up 50ft. no if it does the whole downtown is under water. Once again the key to bond will be reasonableness of it.

Mr. Houle, I think in all fairness the reasonableness of it will be what our PE tells us what is needed.

Mr. Cerrone, Get comments back to John Lavin's letter.

Mr. Yarworth, Erosion control plan I would suggest you do that as condition and operation maintenance plan as condition. Hoods and catch basin just standard detail I can add note on the hoods I'm not even change plans date just get new sheet for that. Big issue that John raises, which he should have done but we're reducing impervious area without doing full

drainage study it seems that is going to help not hurt. You don't get many sites where you're reducing impervious by 40% that is why you didn't get full study.

Mr. Houle, Providing that what was there before wasn't already a problem.

Mr. Yarworth, It may still be a problem may not be even if there is problem in future it's not going (inaudible) take away 20 or 30 thousand sq.ft. of asphalt that is not going to cause problem.

Mr. Cerrone, Asking Ray if ever had problem on that end of town in past of drainage all years you've been director? (No).

Mr. Yarworth, There is lot of water going out I don't know where it goes.

Mr. Cerrone, I think I remember flood down there behind Burns gas station. I never recall any floods down at that end brook floods out but when we get heavy rains on this area.

Mr. Bottomley, That is it we'll have Chris respond. You don't have mylars and you need them how many copies? I don't know if Roger may want it recorded. It doesn't have to be recordable as plan by itself it is going to be recorded as attachment to the decision, which is going to have legal stuff. About over 55 all deed restrictions.

Ms. Burgess, There are lot of things that go along with the appeals and everything like that and this is to resolve all outstanding legal issues. You can't bring anymore suits against us we can't bring anymore suits against you.

Mr. Bottomley, This can be reduced and become intended for exhibit to document that Roger Ferris is going to prepare.

Mr. Peterson, What does fire dept. say about getting vehicles in there?

Mr. Bottomley, When Chief Coleman first reviewed it only issue that came up that these were originally 15 and fire dept. asked us to make them 20. Even though state law is 15 they asked us to do 20.

Mr. Cerrone, If there is fire there he's not going to put fire truck in there he's going to put it on Cross St.

Mr. Bottomley, Yes we have hydrants there.

Mr. Peterson, I'm thinking emergency vehicles having to come in and turn around.

Mr. Houle, Do we have all applicable things that we might need from health dept?

Ms. Burgess, It is going to be on sewer so they don't get involved. Actually no one else can get involved at this point. No vote is going to be taken nothing it's just sign the petition sign the plan.

Boch Toyota Executive Session at 10:13 P.M.;

Mr. Cerrone, Make motion to go into executive session seconded by Richard Thimot.

All in favor 4 to 0

Roll Call;

Donald Cerrone- Yes

Dick Houle- Yes

Richard Thimot- Yes

Richard Peterson- Yes

Will come out at 10:30 P.M.

Executive Session came out at 10:53 P.M.

Ms. Burgess, Peer Review all that stuff can wait.

Mr. Cerrone, What do we have on 21st?

Ms. Burgess, Have Verizon, Sharples and Nissan. Sharples may not be coming in on time I don't know. These Peer review requests this all draft economic profile that was done with SRPEDD.

Peer Review;

Mr. Cerrone, On Peer review how come it doesn't say " Town of NA Planning Board" on letterhead? Which dept. is doing this?

Ms. Burgess, It says town planner.

Mr. Cerrone, It should be Town of NA Planning Board

Ms. Burgess, I must have deleted it when I put Peer Review in that is fine.

Mr. Cerrone, Same thing on other one it says " Town of NA Planning Board, Conservation".

Ms. Burgess, It is not just for us.

Mr. Cerrone, I know but they should be coming underneath on scope of work.

Mr. Houle, They could say " NA Planning Board" we do have right to hire our own engineer.

Ms. Burgess, This is just draft. Only reason all 3 of us are in this is because all 3 of us are hiring them. Everybody is going to have some sort of input.

Mr. Cerrone, No they're going to have input have one they want each dept. is going to tell us what they want there is only going to be one captain it is going to be Planning Board.

Ms. Burgess, Then I will pull us out of this because this isn't what they want. The Selectmen said they wanted to put together and RFP for engineering services that will work for Planning Board, Conservation and B. of Health. The thing being state law gives us right to have our own period. If you guys don't want to let Conservation/B. of Health have any say in who we hire then they're not going to use same engineering firm we do.

Mr. Houle, You're sure of that?

Ms. Burgess, I'm positive because they want to have say in this. You were at the meeting with Don Bates.

Mr. Cerrone, I want to know what their scope of work is.

Ms. Burgess, Yes we have that but you don't want to let them have say on who we pick is that what you're saying? That is where you're going to run into problem. I'm just saying from that meeting we had.

Mr. Thimot, Problem is they're getting into Planning Board just like B. of Selectmen and elected boards. We do not take orders or work for B. of Selectmen I told you this when you first came on board.

Ms. Burgess, You're missing the point the point being is they don't want people running around anymore. Planning Board by statute is only one that can hire their own consulting engineer.

Mr. Houle, Who will that engineer work for under way you're proposing this? The town or selectmen?

Ms. Burgess, No Planning Board, Conservation and B. of Health but they will work with each individual it is so you have one stop shopping. Like Tilton said they have to pay Mill River \$200,000 to do the same thing that they're doing for Conservation, etc. I put Conservation scope of work, B. of Health scope of work in here it is all in here under all one.

Mr. Cerrone, That is fine the way you did that scope of work for each dept. This should be Town of NA Planning Board then when you go for RFP these are things they're looking for Planning Board looking for this, B. of Health looking for this. There is only going to be one captain running the boat it is going to be Planning Board. I don't have any problem with putting B. of Health to be reviewed by same engineer because you're never going to get all 3 boards to agree on same engineer.

Mr. Houle, Other thing is we already have right to hire our person. Basically if we're doing it the way this says we're giving up some of our rights.

Ms. Burgess, No we're not.

Mr. Houle, Yes we are.

Ms. Burgess, No we're not this isn't binding we can still use our own engineer. Say we go out to RFP and something happens we don't like the engineer we don't have to use them.

Mr. Houle, Then why are we doing this?

Ms. Burgess, We don't have to use John Lavin we can get another engineer.

Mr. Houle, If that is the case why are we doing this?

Ms. Burgess, At that meeting we had we all sat down it was Joan and Don at selectmen.

Mr. Cerrone, One engineer reviews for Planning Board when I do Planning Board I have to do for B. of Health this and this but I work for Planning Board. B. of Health has any issues they call. You're telling us we're going to have B. of Health interview an engineer and Conservation.

Ms. Burgess, Devil advocate do you really think that B. of Health is going to us an engineer that we pick? Do you really think that knowing B. of Health knowing that we can't get anything from them anyway so you really think they're not going to have a say in this? I'm not arguing anything I don't think Conservation would care they use John Lavin anyway.

Mr. Thimot, This is same thing we've been fighting for years they want to get town engineer to take over all this stuff. We went against B. of Selectmen years ago.

Ms. Burgess, They can have town engineer.

Mr. Thimot, They don't need town engineer you're talking about couple hundred thousand dollars per town engineer on the books.

Ms. Burgess, We don't have to use town engineer.

Mr. Houle, Why are we doing this?

Ms. Burgess, Because it was asked of us.

Mr. Cerrone, I have no problem with reviewing but it is going to be one leader.

Mr. Peterson, Idea of this is so we could hire one or group of engineers one firm that all dept. can use? (Ms. Burgess-Yes).

Mr. Houle, I understand what you're saying. Right now Rich you have to understand the state gives us the right to have our own. I think it is important we took it away from DPW back when because there was a problem.

Mr. Thimot, I did why do you think they are all mad at me for still including Payson.

Mr. Houle, So Mary what you're saying is instead of saying Town of NA you think it should say from Planning Board Don?

Mr. Cerrone, Town of NA Planning Board.

Ms. Burgess, He wants me to change whole concept of the thing. If I said back memo saying this is all fine and nice the Planning Board is going to be in charge and we're going to pick the engineer. They're going to say never mind. This is nothing to do with state regulations it is taking away from the concept, which they wanted to go along with this.

Mr. Cerrone, We are doing the same thing we're doing what they want for reviews.

Ms. Burgess, We're not because they wanted everybody involved.

Mr. Cerrone, They're not going to get my vote on that.

Ms. Burgess, Exactly so we don't even need to have this conversation. I will say Planning Board is not interested unless they are in charge. You're saying unless you're in charge.

Mr. Cerrone, RFP is going to say Town of NA Planning Board you do RFP say review these plans for Planning Board, Conservation and B. of Health but we're going to be in charge as leaders. We're the ones who put our signatures on the plans as far as I'm concerned. I've been here 18 years and that is it.

Ms. Burgess, As devil advocate do you really think?

Mr. Cerrone, I don't care what they think.

Ms. Burgess, Exactly so why am I doing this?

Mr. Houle, Who asked you to do it?

Ms. Burgess, Joan and Don were there they were at the meeting when they said it was okay.

Mr. Cerrone, Yes but we're going to be leaders we're not going to have other depts. tell us what to do.

Mr. Peterson, My interpretation of what this is supposed to be they're trying to bring it so that we have common engineer to assist all different depts.

Mr. Thimot, You got it.

Mr. Houle, Which is going to cost the town if this happen at least another \$120,000.

Ms. Burgess, No to be paid by developer.

Mr. Peterson, They're asking to have a consultant that everybody would use. If B. of Health has an issue and Planning Board has an issue they can go to same engineer that same engineer can share information.

Mr. Houle, Which they could do right now they just choose not to. This is what we're trying to tell you we have an engineer John Lavin that works with our board the Conservation uses him only other person on this sheet is health dept. The health dept. doesn't want to do it.

Ms. Burgess, Because John is not sanitarian.

Mr. Cerrone, Is Bob Bates a sanitarian engineer?

Ms. Burgess, It's Bob Davis.

Mr. Houle, Is anybody at Mill River?

Ms. Burgess, Yes I actually researched that guy. It is too late to discuss this.

Mr. Peterson, Should we be suggesting that we don't see the way we're operation approaching this arrangement for hiring consultant engineers would be advantageous to any of the boards.

Mr. Houle, No I think it is advantageous and I think what they are proposing here has lot of merit. I just think that the engineer should work with the Planning Board and work with the other boards but I think it should be under Planning Board's jurisdiction.

Mr. Peterson, There are going to be some situations where.

Ms. Burgess, There won't be any Planning Board involvement.

Mr. Houle, So then he works with them.

Ms. Burgess, Why wouldn't they have a say in who we hire?

Mr. Houle, Are we going to have everybody on every board hiring somebody?

Ms. Burgess, We're going to have chair. We have 5 people right now who picked an engineer. You're going to have 1 representative from each board that is it.

Mr. Houle, Who came to that conclusion?

Ms. Burgess, That was discussed in meeting we were at.

Mr. Cerrone, No it was discussed 1 member from every board.

Ms. Burgess, Don Bates said it.

Mr. Cerrone, Not the board. You're telling me so 4 members on Planning Board get elected they don't have any say on engineer?

Ms. Burgess, You appoint a chair.

Mr. Houle, There are 5 people on a board the chair just doesn't do that.

Ms. Burgess, I'm just going to tell Mark Fisher here is the RFP it is going to be under Planning Board charge have at it. Just leave it at that and see what they say if they don't want to continue with it so be it.

Mr. Cerrone, Our next meeting I'm going to tell you how to change it.

Ms. Burgess, Why don't you write it up and show me how to change it?

Mr. Houle, On 21st. we'll take this up again and do Peer review too.

Evaluation of Town Planner;

Ms. Burgess, Don you were there so you can explain how they want you to do. I put memo on top of evaluation everybody is supposed to fill out the evaluation and then chair is supposed to collaborate all evaluations together and then he is supposed to sit down and discuss it with me.

Mr. Houle, They're also coming out with new form.

Ms. Burgess, That is what is in here.

Mr. Cerrone, There is question in there copy of office staff report of evaluation for Linda can we see that? Have you done it can I have one tomorrow morning?

Ms. Burgess, Yes.

Mr. Houle, Put one in each of our boxes.

Ms. Burgess, Her contract is up every October I believe. You guys got copy of it when I did it.

Mr. Houle and Mr. Cerrone, Don't remember seeing it.

Ms. Burgess, Obviously what could I have wrong with Linda?

Mr. Cerrone, I know just gives me how you manage the office.

Ms. Burgess, Okay I see where you're going.

Mr. Cerrone, Put it in my mailbox I'll pick it up tomorrow.

Action Needed Report for Chauncey Village;

Ms. Burgess, I wrote reply to that it is not in your package because I gave it this week.

Basically just stating that this is not that storing clean fill on your lot is not in violation of any regulations. I don't know if any of you had chance to go out to Chauncey and see the piles of fill there and there are piles of fill. There is no action to be taken because there is nothing being done wrong.

Mt. Hope Issue;

Ms. Burgess, Memo I receive from Mark Fisher to me it basically goes down Mt. Hope issue. I don't know if you heard about this there is catch basin on homeowners lot that it was believed to be tied into existing subdivision up on Lester Wall. There is big to do because there is lot of flooding and they thought it was because the catch basin that wasn't being maintained because DPW wasn't maintaining, etc. It turns out it is private catch basin. Question that was asked to me is, "Mary does Planning Board show any plans for subdivision that may include drainage mechanism". My reply was " after thorough review of files"

Mr. Houle, Mary didn't I ask you to have copy of at least your answer back to them? (Ms. Burgess- Yes). Okay where is my copy?

Ms. Burgess, I told you I was going to make one for the board.

Mr. Houle, I said of your copy I'd let board see your reply so we know what is going back.

Ms. Burgess, That is what this is. I did it 2 days ago. Literally this issues has been blown out of proportion like you wouldn't believe.

Mr. Cerrone, That is why you have Action Needed Report.

Ms. Burgess, That is what I don't understand because Dick when I talked to you, you said it is Action Needed Report and I said no it wasn't Action Needed Report when it should have been and not request from town administrator. What I wrote " after thorough review of files in Planning Dept." I have attached plans for Fox Run Estates, which include Fox Run Rd., Lester Wall Dr. Form A plans for 3 lots on Mt. Hope St. and aerial of area in question. " As these plans illustrate there is 30ft. wide sewer easement that runs adjacent to the existing drainage ditch from manhole on Lester Wall Dr. to Mt. Hope St. running through 849 Mt. Hope St. Because 873 Mt. Hope St. was ANR lot no drainage information was required however it would appear that catch basin in question was installed on private property and was not part of approved subdivision". What I further found out by speaking with DPW is used to be Ray Payson's brother he installed it tied it into catch basin and cleaned it. That is why they think it was town issue.

Mr. Houle, This got blown of proportion because instead of there is way to bring something up to board. You can either come to Mary do Action Needed Report but either way there is way to do it. What one of selectmen decided to do at their meeting on camera was basically lamb base the Planning Board little bit that is what happen.

Mr. Cerrone, I think you should write letter to them.

Mr. Houle, My thing was since they did that and it became such a hot issue I didn't want answer going back without this board seeing it. Mary that is why I asked you to get your answer just your top sheet together because I see there is lot of stuff here and give us all a copy of it that is why I said that and that wasn't done.

Ms. Burgess, I must have misunderstood you. Only comment I have is I understand how this is blown out of portion by so much with so many hands in the pot and obviously no fault of our own.

Mr. Cerrone, We're getting blamed for it.

Ms. Burgess, Thing is Conservation was able to address their memo too they were asked the question they were able to address question with simple phone call by saying "no there isn't any Conservation issues there" etc. This memo is addressed to me and asking me if there is drainage easement, which I could have simply said "no there isn't". I just put this together so they could thoroughly review it on their own.

Mr. Cerrone, I think anytime they have problem they should do Action Needed Report and send it out and let board decide.

Ms. Burgess, I agree.

Mr. Cerrone, We don't just jump as soon as someone says jump how high you want us to jump.

Ms. Burgess, I apologize Dick you no what I forget to make copy of that letter I'd already devoted way too much time to this. It should have been able to be resolved with phone call saying "there isn't situation there for Planning Board". I didn't see selectmen's meeting you spoke of. Do you mind if I give them this information now? I pulled all out of their boxes so they didn't get it for tonight's meeting, which they wanted to resolve it at tonight's meeting.

Mr. Houle, Since they are all getting copy of it I want copy of it too.

Ms. Burgess, Of course it is already in the correspondence folder you'll get it in your package.

Mr. Cerrone, I think we should write letter back.

Mr. Houle, Stating what?

Mr. Cerrone, It wasn't Planning Board issue.

Ms. Burgess, That is what I did.

Mr. Cerrone, I haven't seen the letter.

Ms. Burgess, I got the memo on Tuesday they wanted a quick turn around. You don't have letter because I just wrote it.

Mr. Peterson, That is not just the issue made into issue by somebody else.

Ms. Burgess, It should have been resolved with phone call.

Mr. Cerrone, There is channel when it comes in if there is problem you do Action Needed Report.

Mr. Peterson, B. of Selectmen offer appreciated and in future when question like this comes up that person with the question be directed to our board to see if we can resolve the question rather than reprimanded on television.

Mr. Houle, It happens a lot. I do think though that if something is said and somethings you have big shoulder just let it go off and Mary is more capable of answering some of these thing. My only reason for not wanting this to go before the board saw it was because it did get blown out of proportion and if that had gone over there and somebody has asked any of us board

members what was your answer? We would have sat there and said what do you mean what answer that is why I did that.

Mr. Cerrone, Usually any letters that went out the chairman would know.

Ms. Burgess, All letters I'm supposed to call and ask permission to write a letter?

Mr. Cerrone, When Don Johnson was town planner any letters went out before I used to oversee it, write it, sign go ahead and he'd read it to me. He used to call up saying I'm sending letter to this dept. for an issue that was way it was when I was chairman.

Ms. Burgess, You don't think that is little micro-managing?

Mr. Cerrone, I don't think it's micro-managing.

Mr. Houle, He did call board a lot.

Ms. Burgess, I'm not going to get anything done to be honest with you in a timely fashion.

Mr. Cerrone, He used to get things done.

Mr. Houle, We're not all that busy now.

Mr. Peterson, If a letter needs to be sent out you don't vote on it ahead of time and say letter is going to be sent out and then Mary send it?

Mr. Houle, This board took a vote back when Ray Payson was chair I'm going back to it because I'm one that asked for the vote. We took vote because some letters went out that were maybe questionable whether or not we should have seen them or not. Board took vote that anything on Planning Board letterhead had to come before board before it went out.

Mr. Cerrone, Or at least chairman read it.

Ms. Burgess, I'll tell I won't make any of freedom of information act 10 days for whole board to see a letter. How much micro managing do you guys really want to do?

Mr. Cerrone, Mary you write a letter you can pick up phone and ask Dick can you come by tonight I have letter I have to send out in the morning can you take look at it. If there is problem that letter he signs ask him how come you signed it.

Ms. Burgess, But he's not signing the letters.

Mr. Cerrone, He can look at it.

Mr. Houle, It is on Planning Board letterhead right?

Ms. Burgess, Yes under the town planner. You guys hired me because you trust me and I hope you think I can write a letter in response to things.

Mr. Houle, This is something we've already taken vote on before you were even town planner. I think and I'm being quite honest with you no one is trying to micro-manager you. I haven't tried to micro-manager you I don't think Joan did. I'm not going to speak for her but I don't think she did you never said she did so I'm going to assume she didn't. We're just trying as a board to know and understand what is going on because at end of day we're responsible for it. We're the elected officials that is all we're trying to say.

Ms. Burgess, I really need you guys to write down exactly what you expect out of me because I'm sorry. I did not have to call Joan every time I wrote a letter anything important yes I did call.

Mr. Houle, How many times have you called me to ask me the same thing?

Ms. Burgess, I haven't.

Mr. Houle, My point exactly.

Ms. Burgess, I talked to you about Mt. Hope but have you seen the letters that have gone out? They are in your packages and there is nothing wrong with them.

Mr. Houle, I think we're missing the point.

Ms. Burgess, No from now on I will call you every time I write a letter to anybody. That is what you're saying you're saying anything that goes on letterhead.

Mr. Houle, No what I'm saying if there is something that is going on letterhead that is as important especially if it happen at meeting with selectmen this board absolutely has to know about it before answer goes out.

Mr. Thimot, Let's clarify something. First of all there are two ways of sending a letter chairman of board or something like that. Mary is going to sign it as town planner or as designated by B. of Selectmen...(inaudible). Mary signing the letter that is purely on her own is not proper way to do I don't care whether she likes it or not. I'm not saying it behind your back I'm saying it right now. Two ways of sending letter first letter to vote, which in this case would probably be Dick Houle or you signing it as town planner or as agent of Planning Board.

Mr. Houle, I want to say something to Mary though I also thing there is going to be some things that she needs to get done that may have to go that day she has to have some latitude on this.

Mr. Cerrone, Don Johnson used to call every time he had letter he'd say can you come in and take look at it because I have to send it out tomorrow.

Mr. Houle, He did do a lot of that there is no doubt about it.

Mr. Cerrone, At least you knew what he was doing.

Mr. Peterson, I guess my question is on the RTM coordinating committee much looser less important. Times they would vote if there is letter or something that has to be addressed we vote on it. My thought is can't be sending out correspondence ...(inaudible). If it is answer to something that was discussed at a meeting that should suffice to be the permission.

Business Industrial Committee;

Mr. Houle, Meeting Mary and I attended. Is there any update on it you want to update the board on it?

Ms. Burgess, There was memo in your package regarding Business Industrial Commission meeting that Dick and I attended. They wanted to set up meeting with inspectional service dept. to Conservation, B. of Health, Building Dept., Town Planning just to discuss permitting practices from business point of view and how they can understand it better. From why we can't grant permits quickly because of our statutorial requirements, etc. How we can better assist them by explaining things, etc. I haven't scheduled anything because you said you wanted to run it by the board first.

Mr. Houle, They would also like to have brainstorm session with few of the boards to see what we can do about helping maybe bring some be it industry, commercial whatever to town. I thought it was good idea I think Mary thought it was good idea. I think if we could get all the boards together to maybe come up with better plan to attract people to the town. I think that would be real step in right direction.

Mr. Cerrone, I think biggest thing you got to get is tax assessment because most of these towns are doing some kind of taxes. Mansfield just did it with new building being put up on West St.

Mr. Peterson, I don't know great deal about tax breaks my understanding little I've read that in the end they are not necessarily great benefit. I think Mansfield has run into this where they've given tax breaks to people in Cabot Park they didn't stay length of time that they were supposed to anyway.

Mr. Houle, That is only one way of doing it I think they're looking to get everybody and DANA was there Shirley Nolan I think they're looking to get some ideas too from all the boards as to what can be done.

Mr. Thimot, SRPEDD has this thing meets about every 8 months business development stuff.

Mr. Peterson, I think that would be nice to sit down and have session.

Mr. Cerrone, You have to invite all people from industrial park see what they have.

Mr. Peterson, You have to come up with reason why people want to come here once you do it people have to spend good money to make it work right.

Mr. Thimot, You know why they should come here best location in country right here.

Mr. Houle, Other thing that I think they wanted to look at that was just one aspect of it.

Maybe we could look at some rezoning where maybe we could help draw maybe big insurance co. or maybe medical co. or whatever it's going to be.

Mr. Thimot, You have OP60 land on Landry Ave. have 26 acres but half of it is wetlands.

Mr. Houle, These are the things they want to discuss. Mary why don't you try and put something together we'll have it at Planning Board and we'll go from there.

Ms. Burgess, Who would you like me to put it together with?

Mr. Thimot, John Mullen.

Mr. Houle, People who asked for it at that meeting, town administrator, they asked for Conservation they asked for all boards. I would put invitation out to all the boards give them little criteria this is what was talked about at that meeting and this is what we'd like to get done on the agenda. Maybe get some ideas as to how we can possibly attract some people to No. Attleboro.

Ms. Burgess, Do you want Industrial Tenants Association?

Mr. Houle and Mr. Cerrone, Yes want to get their input.

Mr. Cerrone, Make motion to adjourn, seconded by Richard Peterson

All in favor 4 to 0 adjourned at 11:34 P.M.

Respectfully

Submitted,
Attach Agenda to Minutes.